# BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application	of)		
NIENSON NGUYEN	. )	DOCKET NO.	2008-0247
For a Motor Carrier Certificate of	or)		
Permit.	) )		

#### ORDER VACATING DECISION AND ORDER FILED ON DECEMBER 4, 2008

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DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

FILED

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COMMISSIONES

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By this Order, the commission vacates the Decision and Order filed on December 4, 2008, and closes this docket.

I.

#### Application for Common Carrier Authority

By the Decision and Order filed on December 4, 2008, the commission approved the application of NIENSON NGUYEN ("Applicant") for a certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Oahu in the 8-to-25 passenger classification. We also: (1)Applicant, as a condition to our approval of the application, to comply with all commission requirements for common carriers, including submitting certain documents within one hundred and twenty (120) days of the issuance of the Decision and Order; and (2) notified Applicant that failure to timely comply with the commission's requirements would constitute cause for commission to vacate the Decision and Order. We served Applicant

with a copy of the Decision and Order by mail, postage prepaid, on the same day that the Decision and Order was issued, in accordance with Hawaii Administrative Rules §§ 6-61-21 and 6-61-122.

II.

#### Findings and Conclusions

The one hundred and twenty (120)-day time period has passed, and Applicant has not complied with the requirements set forth in the Decision and Order filed on December 4, 2008. The commission, thus, determines that the Decision and Order filed on December 4, 2008 should be vacated.

III.

#### Order

#### THE COMMISSION ORDERS:

The Decision and Order filed on December 4, 2008, is vacated and this docket is closed unless otherwise ordered by the commission.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Carlito P. Caliboso, Chairman

Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou Commission Counsel

2008-0247.ps

#### CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

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